

From Classroom to Courtroom

JUDGE INSTRUCTIONS

The Trial

1. After the bailiff has called the court to order, judge enters courtroom and sits at bench. The judge tells everyone, but the jury, to be seated. The bailiff swears in the jury.
2. Follow Mock Trial Procedure Script. Ask the prosecution to begin with their opening statement. Ask them to stand at their table. Then ask defense to do the same.
3. Ask prosecution to call its first witness. Ask bailiff to swear in the witness, then ask witness to state his or her name. Instruct attorney to begin direct examination.
4. The attorneys may object (see Objection handout). They are limited to four rules of evidence. Please allow the attorney to give their reasons for objecting and then sustain or overrule as appropriate.
5. Ask defense to cross-examine the witness.
6. Repeat steps 3 and 4 for each witness. When defendant calls their first witnesses, they will conduct direct examination of those witnesses and the prosecution will conduct the cross examination.
7. If necessary, take a two-minute recess to give the attorneys time to complete their closing arguments. Ask both sides to present their closing arguments with the prosecution going first.
8. Instruct the jury with the instructions provided at the end of each trial. Ask the bailiff to show the jury to the deliberation room to decide the case.
9. When the jury returns with its decision, ask for the verdict.
10. After they have announced the verdict, ask them to explain how they decided on it.
11. Time permitting, debrief the trial. Encourage all students to participate in the discussion of the trial. Questions that facilitate discussion might include:
 - What were the strong and weak points of each side?
 - What additional information would have been helpful?
 - Who was the most believable witness? Why?
 - Did any of the students change their minds during the trial? When and why?
 - Are there other ways that the problem could have been settled? What would have been the advantages or disadvantages?
12. Complete the process with a short discussion of the need for citizens to participate in the process. Ask them what they will remember to do if they witness an action or are asked to serve on a jury.

From Classroom to Courtroom

MOCK TRIAL SCRIPT

NOTE TO ALL PARTICIPANTS: Always address the judge by saying "Your Honor."

Opening of Trial:

Bailiff: Please rise. The Court of the Second Judicial Circuit, Criminal Division, is now in session, the Honorable Judge _____ presiding.

Judge: Everyone but the jury may be seated. Ms./Mr. _____ (Bailiff's name), please swear in the jury.

Bailiff: Please raise your right hand. Do you solemnly swear or affirm that you will truly listen to this case and render a true verdict and a fair sentence as to this defendant? (Jury should answer "I do"). You may be seated.

Judge:

Members of the jury, your duty today will be to determine whether the defendant is guilty or not guilty based only on facts and evidence provided in this case. The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty.

Mr./Ms. _____ (Bailiff's name), what is today's case?

Bailiff: Your Honor, today's case is The State of Florida versus _____.

Judge: Is the prosecution ready?

Prosecuting Attorneys: (stand up) Yes, Your Honor. (Be seated)

Judge: Is the defense ready?

Defense Attorneys: (stand up) Yes, Your Honor. (Be seated).

~~~~~Opening Statements~~~~~ (Prosecution goes first, then Defense)

(Speak at the podium)

Attorney: Your Honor, members of the jury, my name is _____ and I and my classmates are representing _____ in this case.

We intend to prove _____.

Please find _____. Thank you.

~~~~~**Direct Examination (Prosecution)**~~~~~

**Judge:** Prosecution, you may call your first witness.

**Prosecuting Attorney:** Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

**Bailiff:** (To the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

**Witness:** I do. (Witness goes to the stand and sits down)

**PROSECUTION'S QUESTIONS for WITNESS #1**

? \_\_\_\_\_

? \_\_\_\_\_

**Judge:** The Defense may cross-examine the witness.

**Cross-examination of 1<sup>st</sup> Prosecution Witness by Defense**

**DEFENSE QUESTIONS for WITNESS #1**

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**Judge:** You may step down.

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2nd Prosecution Witness

Judge: Prosecution, you may call your second witness.

Prosecuting Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do. (Witness goes to the stand and sits down)

PROSECUTION'S QUESTIONS for WITNESS #2

? _____

? _____

Judge: The Defense may cross-examine the witness.

Cross-examination of 2nd Prosecution Witness by Defense

DEFENSE'S QUESTIONS for WITNESS #2

? _____

? _____

Judge: You may step down.

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**3<sup>rd</sup> Prosecution Witness**

**Judge:** Prosecution, you may call your next witness.

**Prosecuting Attorney:** Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

**Bailiff:** (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

**Witness:** I do. (Witness goes to the stand and sits down)

**PROSECUTION'S QUESTIONS for WITNESS #2**

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**Judge:** The Defense may cross-examine the witness.

**Cross-Examination of 3<sup>rd</sup> Prosecution Witness by Defense**

**DEFENSE'S QUESTIONS for WITNESS #3**

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**Judge:** You may step down.

~~~~~**Direct Examination (Defense)**~~~~~

Judge: Defense, you may call your first witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do. (Witness goes to the stand and sits down)

DEFENSE’S QUESTIONS for WITNESS #1

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? _____

Judge: The Prosecution may cross-examine the witness.

Cross-Examination of 1st Defense Witness by Prosecution

PROSECUTION’S QUESTIONS for WITNESS #1

? _____

? _____

Judge: You may step down.

~~~~~

**2<sup>nd</sup> Defense Witness**

**Judge:** Defense, you may call your second witness.

**Defense Attorney:** Thank you, your Honor. I call to the stand \_\_\_\_\_.

**Judge:** Will the witness please stand to be sworn in by the bailiff. (Witness stands)

**Bailiff:** (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

**Witness:** I do. (Witness goes to the stand and sits down)

**DEFENSE’S QUESTIONS for WITNESS #2**

? \_\_\_\_\_

? \_\_\_\_\_

**Judge:** The Prosecution may cross-examine the witness.

**Cross-Examination of 2<sup>nd</sup> Defense Witness by Prosecution**

**PROSECUTION'S QUESTIONS for WITNESS #2**

? \_\_\_\_\_

? \_\_\_\_\_

**Judge:** You may step down.

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3rd Defense Witness

Judge: Defense, you may call your next witness.

Defense Attorney: Thank you, your Honor. I call to the stand _____.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Bailiff: (to the witness) Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Witness: I do. (Witness goes to the stand and sits down)

DEFENSE'S QUESTIONS for WITNESS #3

? _____

? _____

Judge: The Prosecution may cross-examine the witness.

Cross-Examination of 3rd Defense Witness by Prosecution

PROSECUTION'S QUESTIONS for WITNESS #3

? _____

? _____

Judge: You may step down.

~~~~~Closing Arguments~~~~~

**Judge:** Both the prosecution and the defense have now rested their cases. The attorneys will now present their final arguments. Please remember, what the attorneys say is NOT evidence. However, do listen closely. They are intended to aid you in understanding the case. Prosecution, you may begin.

**Prosecuting Attorney:** Thank you, your Honor. Members of the jury, today you have heard testimony about \_\_\_\_\_

\_\_\_\_\_.

I would like to remind you of some important information that you should consider in your decision. These facts include \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please find the defendant guilty of the charge of \_\_\_\_\_

\_\_\_\_\_. Thank you.

**Judge:** Defense you may proceed with your closing argument.

**Defense Attorney:** Thank you, your Honor. Members of the jury, today you have heard testimony about \_\_\_\_\_

\_\_\_\_\_.

I would like to remind you of some important information that you should consider in your decision. These facts include \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please find our client, \_\_\_\_\_, not guilty. Thank you.

~~~~~**Jury Deliberation**~~~~~

Judge: Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You and you alone, are the judges of the fact. Once you decide what facts the evidence proves, you must then apply the law as I give it to you to the facts as you find them.

The LAW (Choose appropriate box for case you are doing):

Jesse Sunderson Case

Section 609.595 DAMAGE TO PROPERTY: Aggravated criminal damage to property. Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine not more than \$10,000, or both if the damage to property caused a reasonably foreseeable risk of bodily harm.

Section 624.61 SALE AND USE OF FIREWORKS PROHIBITED. Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks.

~OR~

Alli McGraw Case

FLORIDA STATUTE 893.13(6)(b) POSSESSION OF MARIJUANA. If the offense is the possession of 20 grams or less of cannabis (marijuana), the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

In just a moment, the bailiff will take you to the jury room to consider your verdict. One of the first things you will want to do is to select a foreperson that will preside over your deliberations the way that a chairperson does at a meeting. It will be the foreperson's duty to sign the verdict form when you have agreed on a verdict. Whatever verdict you render must be unanimous. That is each and every person must agree on the same verdict. The Bailiff will now escort you to the deliberation room.

Bailiff: All Rise. (Stand, get verdict form from the judge and escort Jury to deliberation room)

~~~~~  
**Judge:** (When the Jury Returns) Have you reached a verdict?

**Jury Foreperson:** We have, your Honor.

**Judge:** What say you?

**Jury Foreperson:** We the jury, in the case of The State of Florida versus \_\_\_\_\_, find the defendant (guilty/not guilty) of the charge of \_\_\_\_\_.

**Judge:** (After verdict is read) Thank you, Jury, for your service today. Court is adjourned.

**Mock Trial  
OBJECTIONS  
Student Handout**

Any attorney may object to a question asked of a witness on the stand or the admission of an exhibit if s/he feels that it does not follow a rule of evidence. The judge is the deciding factor and will determine whether the witness' testimony or the evidence is admissible.

**Possible Reasons for Objections  
(also known as "Grounds for Objection")**

**Leading question:** Prosecutors must allow their witnesses to tell their own stories; they must not lead their witnesses through the story. Defense attorneys must follow the same rule when questioning their witnesses. This only applied in Direct Examination.

**Immaterial and irrelevant:** The information is not closely related to the case, and is therefore not important.

**Calls for an opinion or calls for a conclusion:** Unless the witness is an expert (such as a doctor testifying about medical issues), he or she should not give professional opinions or conclusions.

**Non-responsive answer:** The witness is not answering the question asked.

*These are only a few objections. They are probably the most common ones used.  
They will adequately serve your needs.*

When you feel that an attorney has asked a question that breaks a rule of evidence, stand up and say "Objection, your Honor" and give the rule of evidence that you feel was broken.

The opposing attorney may state why he/she feels he is not breaking the rule.

**Judge's possible response:**

**"SUSTAIN"** - the judge agrees that the rule has been broken, the jury should disregard the question, and the witness should not answer the question.

**"OVERRULE"** - the judge does not think a rule has been broken and the witness can answer the question that was asked.